

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CIVIL REVISION APPLICATION No 1646 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

AGRICULTURE PRODUCE MARKET COMMITTEE

Versus

GIRDHARBHAI RAMJIBHAI CHHANIYARA

Appearance:

Civil Revision Application No. 1646 of 1996

MR JAYANT PATEL for Petitioners

MR CL SONI for Respondent No. 1, 2, 3, 4, 5, 6,
7, 8, 9,10,11,12,13,14,15,16,17,18,19,20,21,22,
23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,
39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,
55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,
71,72,73,74,75,76,77,78,79,80,81,82,83,84,85

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 08/09/2000

ORAL JUDGEMENT

This revision application is filed against the order passed by the learned Civil Judge (S.D.), Gondal, below Exhibit 62 in Special Civil Suit No.87 of 1994. The aforesaid suit has been filed by respondents 1 and 2 herein for certain reliefs against the Agricultural Produce Market Committee, Gondal in the matter of allotment of shop in the newly constructed Agricultural Produce Market Yard. In the said suit, on behalf of the present respondents 3 to 148, an application was filed for joining as party on the ground that they are also

interested in the final outcome of the suit as they are vitally interested for getting shops in the newly constructed market yard. The trial court, after hearing the concerned parties, allowed that application and all the said applicants of Exhibit 62 were allowed to be joined as co-plaintiffs. It seems that, initially, stay was granted by this Court against the aforesaid order, but, subsequently, it was not extended and, therefore, the amendment in the cause title of the plaint was already carried out by the parties. Subsequently, the revision application was admitted by this Court. At the time of hearing of this revision application, both the Advocates pointed out that the Apex Court in the case of Agriculture Produce Market Committee-Gondal and others v. Girdharbhai Ramjibhai Chhaniyara and others, (1997) 5 SCC 468 has given certain directions in this very matter regarding allotment of shops. It is not in dispute that the respondents 3 to 148 were also parties before the Honourable Supreme Court and, therefore, the shops in question were required to be allotted as per the direction given by the Honourable Supreme Court. Mr. Patel for the petitioners also pointed out that the allotment of shops were made in pursuance of the directions given by the Supreme Court and the Market Yard is also functioning since last three years. In view of the aforesaid, this revision application is not required to be entertained on merits as it has practically become infructuous.

As a matter of fact, the suit itself is required to be disposed of in view of the decision of the Supreme Court. The learned Civil Judge (S.D.), Gondal is directed to dispose of the aforesaid suit taking into consideration the judgment given by the Supreme Court in the aforesaid case. The trial court is directed to dispose of the aforesaid suit, latest by 31st December, 2000.

Writ of this Court may be sent to the Civil Judge (S.D.), Gondal for its compliance and for disposal of the suit by the aforesaid date.

So far as this revision application is concerned, the same is dismissed. Rule is discharged with no order as to costs.

8th September, 2000 (P.B. Majmudar, J.)

(apj)